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Sent via ECF only

October 7, 2019

Hon. Colleen McMahon  
Chief Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Cummings v. The City of New York, et al  
Case No.: 19-cv-07723-CM  
Plaintiff's Opposition/Responsive Papers Due: 09/20/2019

Dear Judge McMahon:

My office represents the plaintiff, Patricia Cummings, in connection with the above-referenced action.

We are filing the plaintiff's opposition to the four (4) motions to dismiss made by: (a) the "City" defendants; (b) the defendants Daily News, L.P. (sued herein as New York Daily News) and Ben Chapman; (c) defendants Dr. Andre Perry and The Hechinger Report a/k/a Hechinger Institute On Education And The Media; and (d) defendant Lenard Larry McKelvey a/k/a Charlamagne Tha God, today albeit 10 days after the generous extension granted to the plaintiff to September 27, 2019. However, due to circumstances beyond our control, our office has had malfunctions with our combined photocopier/scanner that rendered the said machine completely inoperable and which took several days before parts could be obtained in order to make the repairs. Further, this delay was exacerbated by my being engaged on a continuing trial in the matter of *People v. D'Amato*, Docket No.: 2018NA017896, in the Nassau County District Court, before the Hon. Tricia Ferrell, together with my Associate Lucia Ciaravino, Esq., being engaged in a continuing Support Hearing in the Nassau County Family Court on the matter of *Alisa Jones v. Michael Jones*, File No. 607346, Docket No(s): F-06794-18/18C and F-06794-18/19D.

***LAW OFFICES OF THOMAS F. LIOTTI, LLC***

October 7, 2019

To: Hon. Colleen McMahon, Chief Judge  
United States District Court - Southern District of New York

Re: Cummings v. The City of New York, et al  
Case No.: 19-cv-07723-CM

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We respectfully request that this Court accept the filing of the plaintiff's opposition papers out-of time in the interests of justice and grant the defendants additional time to submit their respective replies to the motions.

As previous represented to the Court, there will be no prejudice to any of the defendants if the Court accepts the plaintiff's opposition papers out-of time. However, the penalty to the plaintiff will be unduly harsh if the extension is denied.

Thanking the Court for its consideration of this request, I am

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas F. Liotti", with a stylized flourish at the end.

Thomas F. Liotti (TL 4471)

jml

cc: Counsel for Appearing Defendants (via ECF)